

III. REMARKS

Claims 1-19 and 22-36 are in the case. Claims 1-5, 7-9, 13, 17 and 30 have been amended. Claims 20 and 21 have been cancelled. Claims 31-36 are newly presented and contain subject matter previously present in the claims as preferred embodiments. Therefore, the newly presented claims do not contain new matter.

Claim Objections

Claim 13 stands objected to because the claim text contains the German word "bis." Claim 13 has been amended to correct the failure to translate the term.

Applicant is unaware of other grammar and/or spelling errors that may be present in the claims.

Claim Rejections - 35 USC § 112

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that, while it is clear that X and Y or Y and Z together denote a bond, the examiner believes it is unclear, when either of the above pairings occurs, what exactly is the definition of the "left over" variable.

Applicants respectfully disagree with the opinion of the Examiner that the definition of X, Y and Z is unclear.

As is correctly understood by the Examiner, the variables X, Y and Z were merely introduced into formula I to define the position of the double bond within the molecular scaffold. No

other meanings are given for these variables. It is suggested that it would be evident to a person skilled in the art that the "left over" variable is not meant to define any substituent. Thus, if the respective position is not involved in the formation of the double bond, it denotes a hydrogen atom. As is a well established practice in the chemical field, such hydrogen atoms are omitted in a Markush-type formula.

This understanding of the given definition is also fully supported by the other parts of the present application. The presently claimed substituted 1-aryl-but-3-enylamine and 1-aryl-but-2-enyl-amine compounds of formula I are obtained via acid-catalyzed elimination of H₂O from the corresponding alcohols of formula III, where the alcohols do not carry any substituents in the respective positions denoted with X and Z in the final product. Consequently, none of the specific examples carries a substituent different from a hydrogen atom in this position.

Thus, applicants believe it is clear to a person skilled in the art that X, Y and Z in claim 1 only serve to indicate the position of the double bond in an otherwise unsubstituted backbone of the inventively claimed compounds.

Claims 4, 5, 7 and 13 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Applicants have amended claims 4, 5, 7 and 13 to remove the preferred subject matter, which has been placed in new claims 32-36.

Claim 14 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that the examiner believes it is unclear to what substances are included in the term "auxiliary substances".

With respect to the rejection of the term "auxiliary substance" applicants believe the term is well-known to a person skilled in the art as comprising any substance other than the pharmaceutically active ingredient. Such auxiliary substances are used together with the active ingredient in order to manufacture the dosage form that is actually administered to the patient in need of therapy. The type of auxiliary substance and its quantity depend on the intended route of administration. Basis for the use of the term and various categories of auxiliary substances are provided in the specification at page 14, lines 8 to 17.

It is respectfully suggested that the description in the specification coupled with the general knowledge of those skilled in the art provides a proper definition of the meaning of the term "auxiliary".

Claim 30 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in the claim does not set forth any steps involved in the method/process.

Claim 30 has been amended to recite the positive step of "administering". Applicants believe that the amendment to the claim obviates the rejection.

Claim Rejections - 35 USC § 101

Claim 30 stands rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101.

Applicant has amended claim 30, thus obviating this ground for rejection.

Double Patenting

The examiner has advised applicants that should claim 17 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

Claims 17 and 18 were inadvertently duplicated due to a typographical error in that "hypertension" in claim 17 should read "hypotension". Claim 17 has been amended to correct the typographical error.

Applicant is advised that should claim 19 be found allowable, claims 20 and 21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

Claims 20 and 21 have been cancelled thus obviating this ground for rejection

In conclusion, applicants believe that the foregoing amendments and remarks place the application in form for allowance and

respectfully request favorable consideration of the case and early allowance. The Examiner is requested to contact the undersigned attorney at the number provided if there are any questions regarding this response.

A check in the amount of \$320.00 is enclosed for the extension of time fee and the additional claims fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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30 Dec 2005
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